

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	MAIL STOP AMENDMENT		
Tomoyuki Atsumi	Group Art Unit: 2625		
Application No.: 10/668,149	Examiner: Allen H Nguyen		
Filing Date: September 24, 2003	Confirmation No.: 2756		
Title: FAX DATA TRANSMISSION DEVICE AND FAX DATA TRANSMISSION SYSTEM	) ) ) )		

## AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Sir: Enclosed is a reply for the above-identified patent application. A Petition for Extension of Time is enclosed. Terminal Disclaimer(s) and the \$\infty\$ \$65 \$\infty\$ \$130 fee per Disclaimer due П under 37 C.F.R. § 1.20(d) are enclosed. Also enclosed is/are: П Small entity status is hereby claimed. Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose П the \$\Boxed\$\$ \$ 405 \$\Boxed\$\$ \$ 810 fee due under 37 C.F.R. \cong 1.17(e). Applicant(s) requests that any previously unentered after final amendments not be П entered. Continued examination is requested based on the enclosed documents identified above. on for which Applicant(s) previously submitted \_\_\_\_ continued examination is requested. Applicant(s) requests suspension of action by the Office until at least  $\Box$ , which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed. A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a)  $\Box$ (1809/2809) is also enclosed.

$\bowtie$	No additional claim fee is required.							
	An additional claim fee is required, and is calculated as shown below:							
			AMENDE	D CLAIMS			**************************************	
		No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Addition	nal Fee	
Total C	Claims	22	22	0	x \$ 50 (1202)	\$		
Independent Claims 6		6	0	x \$ 210 (1201)				
☐ If Amendment adds multiple dependent claims, add \$ 370 (1203) \$						(		
Total Claim Amendment Fee \$								
☐ Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee								
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT \$								
	Charge to Deposit Account No. 02-4800 for the fee due.  A check in the amount of is enclosed for the fee due.  Charge to credit card for the fee due. Form PTO-2038 is attached.							
			Respectfull	y submitted	d,			
Date	7-22-08	_	By: Micha	INGERSOLL ael Britton stration No.	& ROONEY PC 47260	_		

P.O. Box 1404 Alexandria, VA 22313-1404 703 836 6620



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## RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In the June 25, 2008 Office Action, the Examiner identified three distinct species. The Examiner required the Applicant to elect a single disclosed species for prosecution on the merits under 35 U.S.C. §121.

Pursuant to the Examiner requirement, Applicant elects species III, with traverse. Currently, Claims 14-19 and 22 read on the elected species. Currently, no claims are generic to all species. Applicant reserves the right to file divisional applications with regard to any non-elected species.

Applicant respectfully traverses the election of species requirement because the PTO has not carried forward its burden of proof to establish that searching and examining each of the noted sets of claims would be an undue burden.

In particular, MPEP §803 states:

that if the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims to distinct or independent inventions. Accordingly, Applicant respectfully traverses the outstanding election of species requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Respectfully submitted,

**BUCHANAN INGERSOLL & ROONEY PC** 

Date: 7-22-08

By: Michael Britton

Registration No. 47260

P.O. Box 1404 Alexandria, VA 22313-1404 703 836 6620